

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN J. LYNCH

FILED

CIVIL ACTION

JUL 24 2012

v.

MICHAEL E. KUNZ, Clerk
Dep. Clerk

LOUIS GIORLA, *et al.*

11-7520

ORDER

AND NOW, this 24th day of July, 2012, upon consideration of Petitioner's *pro se* Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, the Commonwealth's answer, and after review of the Report and Recommendation of Chief United States Magistrate Judge Carol Sandra Moore Wells, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED WITHOUT PREJUDICE to Petitioner's right to refile **promptly** at the conclusion of state court proceedings; and
3. Petitioner has not yet met statutory requirements to have his case heard, and no reasonable jurist could find this procedural ruling debatable; thus, a certificate of appealability is DENIED.

IT IS SO ORDERED.

ENTERED

JUL 24 2012

CLERK OF COURT

BY THE COURT:


EDUARDO C. ROBRENO

① no objections were filed.
Lm.